



COALESCE



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Mind the Gap Report: COALESCE for Support in Latvia

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Coalesce project

This report is produced for the EU funded initiative "COALESCE: Legal, Psycho-social and economic empowerment for the integration of women third country nationals (TCN) victims of human trafficking (VoT) for sexual exploitation and abuse" (Coalesce Project EC AMIF: 958133), led by the Mediterranean Institute of Gender Studies (MIGS) (Cyprus), in partnership with the Immigrant Council of Ireland (ICI) (Ireland), Caritas Cyprus, Cyprus Refugee Council, SOLWODI (Germany), Associazione Iroko Onlus (Italy), Association, Marta Centre (Latvia), Klaipeda Social and Psychological Services Center (KSPSC) (Lithuania), and European Network of Migrant Women - a European platform based in Belgium.

Coalesce works to support to victims of trafficking in human beings: providing gender-specific psycho-social, legal and economic support and assistance to third-country national women victims of sex trafficking, and to develop synergies and complementarities in facilitating needs identification, assistance and support, and improve transnational cooperation among front line professionals and practitioners. Coalesce's aim is to place the voices and authentic opinions of trafficked women at the centre of implementation.

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Needs analysis for the integration of migrant female victims of trafficking for sexual exploitation/abuse

Disclaimer

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Introduction

Short overview of the COALESCE project

This report is produced in the framework of a transnational project entitled "COALESCE: Legal, Psycho-social and economic empowerment for the integration of women third country nationals (TCN) victims of human trafficking (VoT) for sexual exploitation and abuse» (Coalesce Project EC AMIF: 958133). The COALESCE Project is funded by the European Union Asylum, Migration and Integration Fund and implemented by a partnership consortium comprising the lead partner [Mediterranean Institute of Gender Studies](#) (Cyprus), [Cyprus Refugee Council](#), [CARITAS Cyprus](#), [IROKO Onlus](#) (Italy), [Marta Centre](#) (Latvia), [European Network of Migrant Women](#), [Immigrant Council Ireland](#), [Solwodi](#) (Germany), [Klapeida](#) (Lithuania).

The objective of the project is to provide support to the female migrant victims of trafficking in human beings for sexual exploitation in Europe. By providing gender-specific psycho-social, legal and economic support and assistance to third-country national women victims of sex trafficking, the project seeks to develop synergies and complementarities in facilitating needs identification, assistance and support, and improve transnational cooperation among front line professionals and practitioners.

There is a well-documented and acknowledged link between the assistance that the victims need and other factors such as their gender, the specific form of exploitation they have suffered, and their residence status (Directive 2011/36/EU). In fact, female victims of trafficking for sexual exploitation often have very complex needs (European Commission, Study on the Gender Dimension of Trafficking in Human Beings, 2016; EIGE, Gender-specific Measures in Anti-trafficking Actions, 2018). Thus, the gendered nature of human trafficking, as a form of gender-based violence, is a fundamental element of COALESCE's conceptualisation and work programme. In responding to the priorities of the AMIF (5), the project focuses on the implications of the migration developments, within a context of protracted uncertainty and exacerbated social inequalities caused by the Covid-19 pandemic that affect the most vulnerable victims of human trafficking, in particular migrant women and children.

Specifically, the workplan of COALESCE project involves:

- The provision of assistance guided by a **Gender Specific Integration Model (GeSIM)** for legal, psycho-social assistance and economic empowerment to enhance integration of women TCN VoT.
- The development of a **practical working toolkit** enhanced by input from affected women, **distilling specialized knowledge and recommendations** for a sustainable gender-specific implementation EU guidelines and tools, **influencing the work of service providers** (including asylum authorities).



- The promotion of **national and transnational knowledge exchange** between relevant actors on the benefits of and commitment to GESIM. Nurturing collaborative approaches benefitting trafficked women.
- The improvement of the **capacity of victim support organisations** across the EU to provide **gender-specific support services** (incl. psycho-social, legal and economic empowerment) tailored to the needs of migrant women victims of trafficking for sexual exploitation/abuse contributing also to their early identification.

Last but not least, taking into consideration all available protection measures in the framework established by the Anti-Trafficking Directive 2011/36/EU, this project seeks to enhance best knowledge exchange on the integration of trafficked victims, among the consortium which brings together a diverse group of feminist organisations with particular expertise in supporting trafficked migrant women recovering from sexual violence and exploitation.

The Mind the Gap Report

The purpose of this report is to present a mapping and analysis of needs for the support to and integration of female third country national victims of trafficking for sexual exploitation and sexual abuse (TCN VoTs) in six EU (European Union) Member States: Cyprus, Germany, Ireland, Italy, Lithuania and Latvia. The analysis adopts a victim-centred and gender-specific approach by directly involving those affected in the mapping and assessment of existing local support mechanisms to identify areas of gender-specific intervention within the areas of: 1) psycho-social support; 2) legal support; and 3) building economic independence (economic empowerment).

Specifically, this report aims at providing a state-of-the-art and relevant information with regards the gaps in assistance and support available in the countries under review, from the perspectives of victims of VoTs for sexual exploitation.

The report comprises a short overview of the project, the legal and policy context at EU and national level, followed by an analysis of the key themes and needs identified through in-depth interviews carried out in Latvia with two female TCN VoTs for sexual exploitation/abuse.

Methodology

The Coalesce consortium have adopted a common methodology to ensure coherence of the mapping and analysis of needs across the partner countries. The results of this context mapping and needs analysis feed directly into the design and development of Gender-Specific Integration Models (GESIM) -(Work Package 3 of the Coalesce Project)- a handbook/guidelines comprising of Psychosocial & legal support model (PLM) and Economic empowerment model (EEM) for TCN women VoTs. The interlinkage of this needs analysis with the Gender-Specific Integration Models (GESIM) ensures consistent inclusion of VoT voices



and perspectives in the integration interventions that will be produced, implemented and evaluated in the course of the Coalesce Project.¹

The methods used for this research report include:

Desk research, including a) legislation, b) policies, c) academic and other research reports, and d) government reports and reports published by EU and other international institutions as well as NGOs reports that directly work with victims of trafficking, in order to collect up-to-date information on current support and integration provisions available for women TCN VoTs affected by trafficking for sexual exploitation and sexual abuse in the different national/local contexts. The analysis will build upon existing EU analysis of gender-specific measures on trafficking to help merge the micro with the macro level (Yonkova et al., 2017).

MARTA Centre approached Freedom 61 that works with prostituted persons on the streets in Riga, SAFE House that provides state rehabilitation services for VoTs and Organized Crime Board of the State Police that based on their public statements have been in contact with prostituted persons from Russia, Belarus, Ukraine to reach out to the victims of VoTs for interviews. Freedom 61 stated that migrant women are usually exploited in door they do not have contact with them. The police unit did not reply to the request. Safe House invited the VoTs for the interview for the research purposes. Therefore in-depth interviews were held with two female TCN VoTs for sexual exploitation to gain insight into their first-hand experiences and opinions on existing support and integration measures, and how VoTs can be best supported. One of them had received support from MARTA Centre but another one from Safe House.

For the purposes of this project, the identification of the gender-specific needs and areas of intervention focus on economic, legal and psychosocial empowerment.

In this regard, the available knowledge to date was incorporated through the screening of the EU legislation and policies, EU studies, EIGE studies, EU anti-trafficking website library, relevant project reports and build on the findings of our colleague practitioners – such as SOLWODI and ICI that worked in the ASSIST project that identified best practice principles in delivering gender-specific assistance (Thomson and Yonkova, 2020).

Psychosocial and legal support indicators

The provision of gender-specific psycho-social, legal services aiding the integration of TCN victims of trafficking include holistic psychological and social support, as well as legal representation. These forms of support are linked to the experiences of women victims of human trafficking for sexual exploitation and other forms of violence against women. Specifically, these indicators as adapted from the ASSIST Project (Assist Project, 2020;

¹ This approach also facilitates transnational knowledge exchange and learning, as well as the promotion of the GESIM and its direct benefits for women TCN VoTs for sexual exploitation.



Yonkova, N. et al., 2020) involve: “the identification and recognition as a victim of trafficking; obtaining and/or renewal of the necessary immigration permits; international protection related matters; any other immigration related matters, as well as criminal matters.” Specific focus is added but not limited to: “family related matters; securing access to appropriate housing (provision of shelters and protected flats); medical assistance; compensation; access to material assistance; psychological support; other integration initiatives” (p.36).

Economic independence indicators

The concept of women’s economic independence recognises that women are economic actors who contribute to economic activity and should be able to benefit from it on an equal basis with men, and that financial independence can have an important role in strengthening the position of women in society and within the household. Economic independence refers to a condition where women and men have their own access to the full range of economic opportunities and resources – including employment, services, and sufficient disposable income – so they can shape and exercise control over their lives, meet their own needs and those of their dependants, and make conscious choices (Pesce and Christodoulou, 2017).

Economic empowerment is understood within the framework of enabling economic independence and includes but is not limited to these indicative themes and indicators: employment opportunities; education and professional training (job orientation training and access to entrepreneurship, business plans, access to resources); resource mobilisation and funding schemes (start-ups, small business); access to technology / digital skills; mentoring; care services; welfare and social benefits; housing and transportation services; direct or indirect financial services.

To conclude, the three pillars of intervention – psychosocial, legal and economic empowerment – are understood as taking place in complementarity with counselling which is defined as follows:

Counselling is a multidisciplinary approach in which refugee women who have been victims of gender-based violence are offered a multitude of support, including psycho-social counselling, information on their rights and assistance in fulfilling their everyday needs. The aim of counselling is to support clients in different areas of life, not just with incidents connected with gender-based violence. The counselling process can take months or even years and it intersects with several other processes to which asylum seekers and victims of violence can be part of: the asylum process, criminal process and civil law processes such as divorce, family unification or custody of children. Counselling is in practice a series of one-on-one sessions where refugee women are given an opportunity to be heard and to tell their story. Together with the counsellor a spectrum of opportunities are jointly discovered. Women are informed about their rights as victims of crime and as asylum seekers. Their practical needs such as sustenance, housing and medical needs are mapped and, when needed, they are



referred to other service providers. At a more in-depth level, counsellors describe counselling as a process of moving from shame, fear and self-blame to building confidence, empowerment and integration (Lilja, 2019: 43).

EU Policy Context

Trafficking in human beings (THB) in the EU is a major problem, which shows no signs of decreasing (EC second progress report, 2018). Trafficking continues to be a key threat in the European Union (EU), while trafficking of women and girls for the purposes of sexual exploitation is the most widely spread form of exploitation (Europol, 2021). Female victims represent 77% of all victims, while trafficking sexual exploitation represents 65% of the overall registered trafficking crime (based on EU stats excluding the UK data, EC progress report, 2018). The statistics available mandate particular attention to trafficking of women on the one hand and trafficking for the purposes of sexual exploitation on the other. THB, which is a form of violence against women (EU/29/2012, Istanbul Convention 2012), is a highly gendered crime not only due to the statistical information available but also due to facts surrounding the severe, long-term consequences and harms to women who have been exploited for the purposes of sexual exploitation, according to the Study on the Gender Dimension of THB (EC, 2016). Their recovery needs require significant investment and may take extended periods of time, therefore planning for and organising the efficient recovery and re-integration programmes are of paramount importance.

The recommendations of the Study on the gender dimension of THB (EC, 2016), the report Gender-specific measures in anti-trafficking actions (EIGE, 2018) and the Anti-trafficking Directive 2011/36/EU, the assistance offered to such women must be appropriate to their gender, age and the form of exploitation. To that effect, the Commission commits to support efforts geared at 'comprehensive and accessible protection and help the reintegration of victims of trafficking, taking account of the specific needs of each gender' (EC Communication, 2017). Therefore, programmes utilising the latest advancement in the knowledge of the gender-specific integration needs and efficient approached to supporting the recovery of trafficked women represent a clear rationale for action in present times in the EU.

The phenomenon of human trafficking has been greatly shaped by and entangled with significant migration flows into and within the EU. In 2018 for example, Europol reported that organised criminal groups involved in THB often exploit existing migratory routes to traffic victims into and within the EU (Europol, 2018). Similar to the Commission Staff working document (EC, 2018), the same Europol report exposes the nexus between asylum and human trafficking, which has been also in the focus of the European Asylum Support Office (EASO) for the last few years. Frontex (Risk analysis report, 2018) finds a significant increase in the number of Nigerian women and girls (increasingly minors) in mixed migration flows to Italy, intended for supply to the European sex market. Similarly, the IOM reported a 600% increase, in a three-year period, of the number of potential female victims primarily from



Nigeria, with an estimated percent of victims of trafficking among them reaching 80%. Despite of these facts and knowledge, trafficking of women for sexual exploitation has not become a priority in many EU Member States and many women remain not identified (EC, 2018). Despite the insufficient identification efforts, including in the asylum process, it is clear that a sizeable proportion of the sex-trafficking victims registered in the EU are TCN women. This adds a layer of complexity in the response to them due to their immigration status, cultural specificity, limited eligibility to general state-funded services, lack of support networks, increasing racism and xenophobia, making the integration assistance demanding and simultaneously requiring gender-specificity, violence against women expertise as well as intersectional competence.

Chapter One - Psychological Support

The National Assistance System for Victims of Trafficking in Human Beings was established in Latvia on 31 October 2006. The Cabinet “Regulations Regarding the Procedures by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings” prescribes the procedures by which a person who has been identified a victim of human trafficking (hereafter – person) shall receive social rehabilitation services from State budget funds (hereafter – services), and the criteria for identification of a person as a human trafficking victim. According to this legal regulation, only victims identified by the State Police, a mandated NGO, or the police abroad are eligible to apply for services (Nr. 344²).

The Social Integration State Agency, supervised by the Ministry of Welfare, takes a decision regarding allocation of state funds for the provision of services or the refusal to provide funds for the services³.

The function of providing assistance to victims of trafficking is delegated in an open procurement procedure to specialized NGOs. One (MARTA Centre) has experience in provision of services for victims since 2002, another one (Safe House) was established in 2006 specifically to provide state funded services for victims of trafficking.

The state mandated NGO’s offer assistance and support measures provided on a consensual and informed basis, including legal assistance, representation in the court, provision of appropriate and safe accommodation (Association MARTA Centre offers the only anonymous, protected accommodation in Latvia), material assistance, medical treatment including psychological assistance, counselling as well as information, translation and interpretation

² Likumi (2019) Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings, 20 July 2019, available at: https://likumi.lv/body_print.php?id=308253&version_date=20.07.2019&grozijumi=0&pielikumi=1&satur=0&piezimes=0&large_font=0, (accessed: 31.07.2019)

³ Dearlove L., Kavasa D., Krolov R., Priest S., Stabina L., Zvirgzdina Z. (2015), National Referral Mechanisms in Estonia, Latvia and the UK: A Mapping Report, Be Smart Be Safe Be Free Safety Compass, available at: http://www.marta.lv/docs/1283/2016/NRM_mapping_report_S_FETY_COMPASS_FINAL.pdf (accessed: 16.07.2019)



services where it is needed, language training if needed, job training etc., based on individually developed rehabilitation programs⁴. (Regulations of the Cabinet No. 344⁵)

The governments funding is offered for assistance to the victim only in cases where the person is formally identified as a victim of trafficking (Cabinet of Ministers Regulations No 344⁶) by the mandated NGOs or police. If the person is not taking part in the criminal process, the available state assistance is for 6 months, altogether no more than 180 days. If the person agrees to take part in the criminal process, then assistance is available for 3 years. This is stated in the Agreement with the Ministry of Welfare on provision of social rehabilitation. There is some flexibility in spending the programme funding (the service provider is paid a set sum of money per day per client, which can then be used in any way the client might need, regardless of whether the expenses are for psychological support, housing, education, or any other needs), the flexibility is limited, since the amount per day (23,71 EUR per person) cannot be increased even if there are clients with considerably more costly needs (such as expensive medical procedures) than others, and there are limitations regarding the service providers' administrative costs which can negatively impact the service providers ability to maintain the programme financially if the number of clients is variable or low. For example, there are monthly administrative costs for NGO for carrying out the rehabilitation programme, and it includes not only the overhead costs but also salaries of the administrative personnel. Regardless of the number of clients in the rehabilitation programme, there are tasks that have to be performed by these employees which have to be paid. However, the procurement requires the administrative costs to be no more than 20% of the total costs incurred, which means that if there are many clients in the programme provided by NGO at any given time, it is impossible to cover all the administrative costs from the programme financing and all the needs for the victim if the daily cost for the victims needs is 23 EUR.

The continuity of services is also a challenge. MARTA Centre usually fundraises for additional support of the victim to ensure that the person is not re-trafficked. Usually victims need housing, job training, medical support, and other resources, but the funding is not allocated for long term rehabilitation thus it cannot be considered adequate. The mandated NGOs do not have financial resources for monitoring further social functioning of the victims after ending the program therefore at the end of programme the specialists make appropriate measures with relevant municipalities or organizations in respective countries in cases when a victim has to leave Latvia to ensure well-being of the victims.

At the same time municipalities are capable to offer further support only based on their limited resources; they do not have additional funds for long term assistance. If victims of

⁴ Latvias Third Report on the Progress made in the fight against trafficking in human beings; Available at: <https://europa.eu/sinapse/sinapse/index.cfm?&fuseaction=cmydoc.home>

⁵ Likumi (2019) Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings, 20 July 2019, available at: https://likumi.lv/body_print.php?id=308253&version_date=20.07.2019&grozijumi=0&pielikumi=1&satur=0&piezimes=0&large_font=0, (accessed: 31.07.2019)

⁶ Likumi (2019) Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings, 20 July 2019, available at: https://likumi.lv/body_print.php?id=308253&version_date=20.07.2019&grozijumi=0&pielikumi=1&satur=0&piezimes=0&large_font=0, (accessed: 31.07.2019)



trafficking are formally identified, then victim centred approach is used by mandated NGOs. However mandated NGOs have noticed that even during their rehabilitation process their specialists have to assist victims to avoid secondary victimization by institutions. There are no specific needs of women and girls taken into consideration by most of the institutions as there is lack of knowledge about gender and migration aspect of trafficking⁷.

During interviews one of the women revealed that she declined the psychological consultations but accepted all the material support. Another woman revealed that all the psychosocial consultations that were received from MARTA Centre specialists (social worker and psychologist) were crucial to understand what is violence against women and what is trafficking of human beings and it helped her realize that she actually is a victim of violence and trafficking. She admitted that this support helped her increase self-confidence, knowledge about violence and encouraged to integrate into Latvian society as MARTA Centre offered a volunteer who went with her to different cultural events. She says: *“...they have taken the sessions to be strong in the society and should not fear with wrong people. Motivation consoling service helpful for my integration. This motivation more helpful to keep the person emotionally strong.”*

⁷ Lāce I, Country (LATVIA) report for research paper “Trafficking in Human Beings: Migration and Gender Issues”; 2020



Chapter Two - Legal Support

The legal policy context will be examined using psychosocial and legal support indicators (adapted from ASSIST Project, 2020). In Latvia to ensure that the victim of trafficking receives state funded assistance the person has to be identified and recognised as a victim of trafficking.

1. identification and recognition as a victim of trafficking

Regarding third country nationals the police can issue the document verifying presumed victim as a victim of trafficking and that is fundamental for the person either to receive social rehabilitation services or to be extradited from the country.

There is the gap between identified and presumed THB victims. NGOs (MARTA Centre and Safe House) are still the ones that mostly detect victims of trafficking and identify both Latvian citizens and EU citizens as victims of trafficking. The Police decision is crucial to formally identify victims of trafficking from the third countries. One of the key reasons for failing to detect victims is a lack of unified knowledge for institutions. Regardless police reports about women in prostitution from Russia, Ukraine, Belarus, the police fail to identify victims because of a lack of knowledge of the gender dimension of trafficking in human beings as well as not being sure if they can gather all evidence to prove the fact of trafficking⁸. According to the Criminal Code article 315, representatives of the police, social services, custody courts and other institutions need to report the crime and refer the victim to the State Police and mandated NGOs for further assistance. Nevertheless, there is no legal provision on referring victims to state-mandated NGOs. Several NGOs have repeatedly asked government and the Parliament to develop Cabinet of Ministers regulations for national referral mechanism. The police is crucial for ensuring presumed victims from third countries to be formally identified.

Victims don't have knowledge about specifics of trafficking thus they can neither identify themselves as victims nor seek help.

2. obtaining and/or renewal of the necessary immigration permits

The law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia (2007) provides the conditions for the granting of the reflection period and termination of such period to the victim of trafficking in human beings, as well as the conditions in relation to his or her residence in the Republic of Latvia⁹. If a third-country national provides information that possibly might aid in the disclosure and elimination of trafficking in human beings, but it is not sufficient in order to decide the matter regarding commencement of criminal proceedings or in order to decide the matter, within the framework of the commenced criminal proceedings, regarding recognition of such third-country national as a victim of a criminal offence that is related to trafficking in human beings, the State Border Guard, investigative institution, performer of procedures or the social rehabilitation service provider shall inform in writing such third-country national regarding the possibility of the granting of the reflection period and rights that he or she would obtain accordingly. The

⁸ <https://lv.usembassy.gov/wp-content/uploads/sites/58/2019-Final-narrative-on-Latvia-in-Latvian.pdf>

⁹ Likumi (2007), "The residence of a victim of human trafficking in the Republic of Latvia" 8 February 2007, available at: <https://likumi.lv/doc.php?id=152712> (accessed: 16.07.2019)



reflection period shall be counted starting from the day when the investigative institution or performer of procedures takes the decision regarding granting of the reflection period 30 days. A victim of trafficking in human beings, as well as a minor in the accompaniment thereof, have the right to receive social rehabilitation services during the period of time when the submission regarding granting of the reflection period is examined, during the reflection period and until the moment when the Office of Citizenship and Migration Affairs takes the decision regarding the issue of a temporary residence permit.

Whenever the person reveals to the border guards information that indicates that he or she can be a victim of trafficking the person is referred to the police for formal identification procedure. The person is also informed about service providers (MARTA Centre and Safe house) but it is up to the person whether to turn for further help or not. (There was a case in 2019 where a woman from Nigeria who explained that she has been recruited to be sexually exploited in Germany and that her passport was taken wasn't identified by police as a victim of trafficking.¹⁰) Currently, there is no formal referral mechanism in place to connect presumed victim of trafficking with the service providers. There are just seldom revealed cases of potential trafficking by border guards although they have had training on problematics and nature of human trafficking.

Both interviewed women were identified as victims of trafficking by state mandated NGOs that provide services for victims of trafficking. The NGOs could identify them as victims without police permission thus receiving government funding for rehabilitation for 6 months as women were studying in Latvia and their residence permit was issued to them as being students for the period of studies in Latvia. One of them was exploited in Latvia but another one had suffered from abuse in Latvia but previously was sold for sexual exploitation outside Latvia.

The third country national that suffers from sexual abuse in Latvia can receive state funded services regardless of temporary residence permit only if she is married to the citizen of Latvia, but she is not eligible to receive any benefits including for her children. This issue came up in one of MARTA Centre's recent cases where a woman who is a third country national approached MARTA regarding social rehabilitation for victims of violence. Her partner and father of her child has been violent towards her and there is a court decision on temporary protection in place. He also has been controlling her financially and withholding money, so she is struggling financially. Since the childcare benefit is on the violent husband's name, she (as a third country national without permanent resident permit) also cannot receive the one-time child support of EUR 500 that has been given by the state to cope with the consequences of Covid-19. When MARTA Centre drew attention to this and wrote a letter to the Ombudsman's Office and Ministry of Welfare we received rather uninterested replies that stated that there are enough regulations in place that impose an obligation to the violent father to take care of his child and use the EUR 500 accordingly as well as since this is a one-time benefit with no other criteria set in place than having a child and there is no specific aim for the usage of this benefit violent father is not obligated to use money for the child's daily needs or to meet the needs of the child's mother.

¹⁰ Lāce I, Country (LATVIA) report for research paper "Trafficking in Human Beings: Migration and Gender Issues"; 2020



3. criminal matters

There are 2 sections used by the Criminal law related to trafficking in human beings: Criminal law section 154 Human trafficking and Criminal law section 165 (1) Sending person for sexual exploitation.

All convictions are related to the cases where persons from Latvia have been exploited either in Latvia or other countries. There are no investigations or convictions regarding THB victims of third countries as the Police is not willing to cooperate with service providers that are key players to build trust into protection services thus able to receive from victim revealing information useful for investigation purposes. Detected victims are not referred to mandated NGOs in practice and regarding third-country nationals' police are not willing to initiate criminal procedures justifying it by not having enough evidence to prove the crime, not acknowledging the complexity of the cases and not requesting transnational cooperation efforts. There is low level of knowledge about specifics on trafficking phenomena, migration and gender as well as several stakeholders have problematic attitudes towards third-country nationals as, for example, not being welcomed in the country¹¹.

There is also no convictions for purchase of sex from exploited girls or women. Human traffickers routinely are convicted on Article 165¹, not Article 154¹, resulting in smaller penalties for essentially the same crime^{12,13}. As shown in the State Report: "In 2016, the convicting judgments for crimes according to Article 154¹ of the *Criminal Law* entered into force in 3 cases (4 persons were convicted) and 9 convicting judgments for crimes according to Article 165¹ of the *Criminal Law* entered into force (12 persons were convicted)." It has been explained by the officials that it is much easier to charge for these crimes than the crime of human trafficking that is hard to prove especially in cases of sexual exploitation. It is often reported about brothels and so-called massage salons that have been raided by police but in none of these cases women who have been exploited including third country nationals have been viewed as potential victims of trafficking and referred to the rehabilitation service providers.^{14,15}

4. Legal support

According to Cabinet of Minister regulations Nr 344 on social rehabilitation of victims of trafficking the governments funding is offered for assistance of the victim only in cases where

¹¹ Lāce I, Country (LATVIA) report for research paper "Trafficking in Human Beings: Migration and Gender Issues"; 2020

¹² Likumi (2012) The Criminal Law, 13 December 2012, available at: <https://likumi.lv/ta/en/id/88966-the-criminal-law> (accessed: 07.06.2020)

¹³ U.S. Department of State (2019), "2019 Trafficking in Persons Report: Latvia", available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/latvia/> (accessed: 07.06.2020)

¹⁴ MARTA Centre alternative report 2017.-2019.; available at: <https://marta.lv/lv/marta-runa/centra-marta-alternativais-zinojums-par-latvijas-sasniedzumiem-cilveku-tirdzniecibas-apkarosana-laika-perioda-no-2017-lidz-2019-gadam/>

¹⁵ MARTA Centre (2017), Alternative Report of the Republic of Latvia on the Implementation of the 1979 United Nations Convention on the Elimination of All Forms of Discrimination Against Women 1 January 2005-31 December 2017, MARTA Centre, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=INT%2fCEDAW%2fCS%2fLVA%2f40906&Lang=en



the person is formally identified as a victim of trafficking (Cabinet of Ministers Regulations No 344¹⁶) by the mandated NGOs or police and social rehabilitation programme is flexible. This means that services can be included based on victim's individual needs. Therefore, free of charge legal services are available for victims of trafficking.

A person who, in accordance to the procedures laid down in **the Criminal Procedure Law (2005)**¹⁷, has been identified as a victim, has the right to receive a **State compensation (2006)**¹⁸ for moral suffering, physical injury, or financial loss resulting from an intentional criminal offence. If a victim is involved in a criminal proceeding, special procedural protection can be provided which ensures the protection of the life, health, and other legal interests of such persons who are testifying in criminal proceedings or who participate in the detection, investigation or adjudication of a serious or especially serious crime.

Having both interviews the conclusion is that regardless the fact that women turned to the police about their specific cases the police did not initiate a criminal process regarding trafficking in human beings. In one case the woman reported to the police about the fact that she was not paid for her job at the hotel for several months of work, but police sent a letter to the victim that stated that the application has been examined and on the basis of Section 377 (2) of the Criminal Law (the offense does not constitute a criminal offense) and that there are no grounds to initiate criminal proceeding.

In another case a woman told: *"I dropped compliant to police after an attempted gang rape incident and then police referred me to MARTA Centre. MARTA Centre identified me as the victim of trafficking."* MARTA Centre lawyers helped the victim who was sold for sexual exploitation outside Latvia to prepare documentation to submit the claim on trafficking case in the appropriate country. MARTA Centre's social worker organized translation of necessary documents, including marriage certificate as the person that sold her for sexual exploitation was her husband, an influential legal system representative in her country of origin. Afterwards MARTA Centre lawyer prepared a claim to be submitted in the country of her permanent residence but as the woman describes: *"in my country lawyers, judges, police everyone took money from this and then left the case."* MARTA Centre lawyer also helped her to divorce from the husband that actually was the trafficker. This was done successfully, and she regained her freedom.

This shows that regardless of NGO efforts that provide free legal assistance to victims the unwillingness of legal system to detect and investigate the cases of women trafficking leads to a failure of restoring justice. In both cases police did not detect the case of human trafficking, did not investigate crime and victims did not have a possibility to apply for and receive compensation.

¹⁶ Likumi (2019) Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings, 20 July 2019, available at: https://likumi.lv/body_print.php?id=308253&version_date=20.07.2019&grozijumi=0&pielikumi=1&satur=0&piezimes=0&large_font=0, (accessed: 31.07.2019)

¹⁷ Likumi (2005) Criminal Procedure Law, 1 October 2005, available at: <https://likumi.lv/ta/en/id/107820-criminal-procedure-law> (accessed: 16.07.2019)

¹⁸ Likumi (2006) On State Compensation to Victims 20 June 2006, available at: <https://likumi.lv/ta/en/id/136683-on-state-compensation-to-victims> (accessed: 16.07.2019)



Chapter Three - Economic Empowerment

According to Cabinet of Minister regulations Nr 344 on social rehabilitation of victims of trafficking the governments funding is offered for assistance of the victim only in cases where the person is formally identified as a victim of trafficking (Cabinet of Ministers Regulations No 344¹⁹) by the mandated NGOs or police and social rehabilitation programme is flexible. It means that within daily costs there can be allocated services based on the developed individual rehabilitation plan. This includes also issues related to learning local language, education, job training, care services etc. The programme also allows material assistance.

Both interviewed women stressed out the fact that material assistance for daily costs – groceries, accommodation etc. were crucial to sustain living during this critical period of their lives.

Both women revealed that they desperately needed a well-paid job and that they would love to stay in Latvia after finishing studies but to do so they need to prolong their residence permit that can be done based on Employers' permission.

In one case the victim said that she informed service provider about her intention to find a job, but nobody helped her in this regard. In another case woman told:

“As one of the tasks in the social rehabilitation plan, that was created together with the social worker, we included the creation of a CV and search for a job so that I could gain financial independence. Together, we filled out several applications for work, but most were not compatible with my study schedule. I found a job in an IT company where I worked for a short time, but I left because I had to focus on my studies. I finally found a job at the bank, which I successfully combined with my studies until the Covid 19 pandemic started and a large number of new employees were laid off including myself.”

¹⁹ Likumi (2019) Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings, 20 July 2019, available at: https://likumi.lv/body_print.php?id=308253&version_date=20.07.2019&grozijumi=0&pielikumi=1&satur=0&piezimes=0&large_font=0, (accessed: 31.07.2019)



Conclusions and recommendations

- Unwillingness of the police to refer prostituted migrant women to receive support and exit possibilities leads to undetected and unrevealed crimes of trafficking in human beings. Therefore, it is crucial to address demand for exploitation of victims of trafficking for sexual exploitation properly by introducing punishment for purchasing sex. It would promote detecting victims of trafficking by the police as well as by other stakeholders.
- Regardless the efforts from NGOs that provide free legal assistance to victims the unwillingness of legal system to detect and investigate the cases of women trafficking leads to a failure of restoring justice.
- As the police can issue the document verifying presumed victim as a victim of trafficking for the trafficked person it is fundamental either to receive 30 days reflection period and further the residence permit for longer period and access social rehabilitation services or to be extradited from the country. This can lead to the situations where the decision on whether person is a victim of trafficking contradicts between the police and the mandated NGO. Therefore, as the mandated NGOs base their decision to recognize victims of trafficking on criteria set in regulations²⁰ not the possible evidence of crime the NGOs should also be authorized to recognize victims of trafficking from third countries and based on their decision not only police decision reflection period should be permitted.
- Although 30 day reflection period could be recognized as an effective best practice and humanitarian measure aimed at protecting the human rights of trafficked person, it cannot be considered as sufficient timeframe where victims can recover from their experiences and make an informed decision about whether to assist and cooperate in criminal proceedings, therefore the reflection period should be prolonged.
- The lack of opportunities for long-term state-funded support is a crucial issue. For most victims and especially the women and girls who have suffered sexual exploitation, the rehabilitation period of 6 months is not sufficient to regain stability in their life, especially if there are criminal proceedings taking place. Although it is possible to provide further assistance of consultations (up to 150 hours) over a three-year period in the criminal proceedings after the rehabilitation period within the programme, the clients who have not managed to obtain a steady source of income need assistance not only in the form of consultations but also for living expenses and accommodation. Otherwise there is a considerable risk for the person to repeatedly become a victim to the human trafficking system. Therefore, firstly state should increase the cost per day, that was decreased from 26 EUR to 23 EUR in 2020, and secondly, prolong the rehabilitation period for victims of trafficking regardless their involvement in criminal process.
- As victims of trafficking usually do not recognize that they are victims of trafficking and only service providers can detect them while supporting them as victims of violence there should be granted opportunity to receive state funded assistance for victims of violence regardless status of residence permits and citizenship.
- Currently non-violent mothers - third country nationals can not receive benefits for children if they do not have a permanent residence permit leading to the situations where

²⁰ <https://likumi.lv/ta/en/en/id/308253-regulations-regarding-the-procedures-by-which-the-victims-of-the-trafficking-in-human-beings-receive-social-rehabilitation-service-and-the-criteria-for-the-recognition-of-a-person-as-a-victim-of-the-trafficking-in-human-beings>



violent fathers who are citizens of Latvia receive state benefits and do not use them to support their children and assist family with their daily costs. There should be developed mechanisms that in cases of violence against women and children's violent parents couldn't receive state funded benefits for children and it would go to the non-violent parent regardless their marriage status or status of residence permits.

- The positive aspect of the state programme for victims of trafficking is that the design of the programme allows mandated NGOs to develop individual rehabilitation plans for victims of trafficking thus including individualized options for job training and search for jobs. This aspect should be strengthened.



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